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EDUCATION AND LOCAL GOVERNMENT

Committee Holds 2-day Meeting...The Education and Local Government (ELG) Committee met on July 10 and 11. The purpose of the meeting was to make final recommendations to Governor Martz on school funding, review legislation from the Office of Public Instruction and the Montana School for the Deaf and Blind, hear from Chief Justice Karla Gray on state assumption of district courts, and hear about possible local government legislation for the 2003 session.

Chief Justice Gray Reviews District Court Budget...Chief Justice Karla Gray discussed state assumption of district courts. The 2001 Legislature appropriated \$800,000 for implementation and \$18.3 million for operations. According to Gray, the operation appropriation is insufficient. For example, computer link-ups for new employees cost about \$260,000; however there was no funding for that cost. In addition, space was unavailable on the Capitol campus to accommodate the new employees the Supreme Court needed to administer the district courts. Commercial space had to be rented at \$10.77 a square foot compared to \$4.71 on the Capitol campus. Some assumed costs, such as criminal indigent defense, are not quantifiable. Some of these costs will fall back on the counties in fiscal year 2003. Between 34 and 39 employees are below the minimum pay for their grade level, and it will cost about \$100,000 to raise them to grade. Gray said that the Supreme Court will be asking for a significant funding increase in the 2003 session.

Other personnel issues of concern are employees who are funded by federal grants. These grants end in October and will need to be extended in order to keep these employees. She also noted that accrued leave time by district court employees is potentially troublesome, because of the expense of paying out the accrued time when employees leave.

Gray said that the District Court Council will propose some clean-up language for SB 176 but will not propose substantive changes.

Local Government Legislative Proposals...Ron Alles, Lewis & Clark County Administrator, summarized legislative proposals from the Montana Association of

Counties. He said that about 16 MACo resolutions will become legislative requests for the 2003 session. For the most part, they will be nonsubstantive proposals. There will be some clean-up language proposed for HB 124 and SB 176. MACo may also propose state assumption of public defenders.

Jack Holstrom of MACo requested that the committee look at revising the drug and alcohol testing law. He said it is unworkable in its present form. The definition of employee includes elected officials. Only certain jobs are subject to the law but there are no definitions of those jobs or the definitions are poorly written. The committee decided not to pursue a revision of the drug testing laws at this time.

The Montana League of Cities and Towns will present its legislative proposals at the committee's final meeting in September.

Subcommittees Meet and Report...The Postsecondary Education Policy and Budget (PEPB) Subcommittee and the HJR 41 Subcommittee met on July 9 and 10, respectively, to finalize their interim work. Both subcommittees reported to the full committee on July 10.

PEPB presented two proposals to the full committee. The first was a proposed agreement between the Legislature and the Board of Regents that identifies policy goals and accountability measures that will be used as an assessment tool for policymakers, the university system, and the public to evaluate the achievement of the policy goals. The goals and measures are as follows:

1. Prepare students for success through quality education
 - a. completion rates
 - b. retention rates
2. Promote access and affordability
 - a. affordability compared to other states
 - b. state support as a percent of personal income and per capita income
3. Deliver efficient, coordinated services
 - a. transferability among institutions
 - b. percent of expenditures in instruction, administration, athletics, etc.
4. Be responsive to market and employment needs and opportunities
 - a. job placement rates by field or program
 - b. growth in FTE enrollment, certificates, and degrees conferred in 2-year education
5. Contribute to Montana's economic and social success
 - a. research and development receipts and expenditures
 - b. technology transfers (licensing and commercialization)

6. Collaborate with the K-12 school system and other postsecondary education systems
 - a. collaborative programs with K-12
 - b. average SAT or ACT scores of first-time, full-time MUS freshmen

The agreement includes reporting requirements to the education standing committees and the appropriate appropriations subcommittee. Originally, the PEPB Subcommittee drafted the agreement as legislation, but the members later decided that if introduced in the Legislature, the agreement would most likely be altered beyond what the subcommittee and the regents wanted.

The second proposal was draft legislation to create a permanent PEPB Committee. After much discussion, the full committee decided to support legislation creating a permanent PEPB Subcommittee of the ELG Committee.

The HJR 41 Subcommittee made its final recommendations on legislation to allow for territory transfers between school districts. The recommendations include criteria to be used by a county superintendent in deciding to approve or disapprove a transfer. The recommendations are in response to a Supreme Court decision in December 2000 that ruled the current statute unconstitutional because it provided no guidance to county superintendents for making a decision on transfers. The final bill draft will be presented to the committee for approval at its final meeting in September.

Committee Makes Final Recommendations to Governor...On July 11, the committee discussed the results of the HB 625 public hearings and formulated its recommendations to the governor on the school funding recommendations. As a result of its discussions, the committee settled on the following recommendations:

1. Create a statewide levy to fund the property tax portion of the BASE budgets of all school districts in the state.
2. Pursue the establishment of a state health insurance pool for school district employees.
3. Adopt the transportation funding structure proposed in House Bill No. 163 from the 2001 legislative session.
4. Calculate the ANB for a district with declining enrollment by using the average enrollment over a 3-year period.
5. Provide an annual inflation adjustment tied to the consumer price index for the basic entitlement, per-ANB entitlement, and special education funding.
6. Use the House Bill No. 124 block grant for debt service to expand school facility payments to all low-wealth school districts that have outstanding general obligation bonds and to increase the school facility payment.
7. Allow school district trustees to allocate the remaining balance of a district's House Bill No. 124 block grants to any budgeted fund of the district.

Recommendations 2-7 were original proposals of the Governor's School Funding Advisory Council. Recommendation 1 was proposed by the committee. The members believed that statewide equalization of tax effort was more educationally relevant than

countywide equalization. The committee will submit its final report to the governor by Aug. 1. The committee will request that the governor respond to the committee's recommendations by September so that the committee has an opportunity to draft its own legislation if it so chooses.

Committee Reviews Agency Legislation...In accordance with the law requiring each interim committee "to review proposed legislation of assigned agencies or entities," the committee heard proposals from the Montana School for the Deaf and Blind (4 proposals) and the Office of Public Instruction (13 proposals). Although the purpose of this review is simply to request the legislation for purposes of bill drafting and not a position or comment on the merits of the proposal, some committee members expressed unease at the process because they did not personally support some of the proposals. After some discussion, the committee voted to have all of the proposals submitted for drafting.

The Board of Regents will present its proposals in September. The board was meeting in Glendive to finalize the proposals at the same time as the committee was meeting in Helena.

Final Meeting in September...The committee will hold its final meeting on Sept. 11 in Helena. The committee will:

- review bill draft requests from the Board of Regents;
- give final approval to the HJR 41 and PEPB bill drafts;
- approve the committee's final report;
- review the governor's response to the committee's school funding recommendations and request legislation, if desired;
- listen to legislative proposals from the League of Cities and Towns; and
- review the HJR 35 research paper prepared by staff on postsecondary prepaid tuition plan.

For further information about the committee or its work, please contact Connie Erickson at (406) 444-3064 or by e-mail at cerickson@mt.gov. For information on the PEPB Subcommittee, please contact Pam Joehler at (406) 444-2986 or by e-mail at pjoehler@mt.gov.

Minutes, agendas, and reports of the committee and subcommittees are available on the web at <http://leg.mt.gov>. Just click on "Committees" or "2001/2002 Interim" and follow the links.

ENVIRONMENTAL QUALITY COUNCIL

Council and Subcommittees Meet in July...The Environmental Quality Council (EQC) and the EQC's subcommittees met in Helena on July 29 and 30.

The final EQC meeting will be held Sept. 12 and 13. Information about the July and September meetings will be included in the September edition of **THE INTERIM**.

Information related to the EQC and its subcommittees, including agendas, minutes, staff reports, and draft proposals may be found on the EQC website at <http://leg.mt.gov/services/lepo/index.htm>. For more information, contact the staff person listed below.

EQC -- EQC office at (406) 444-3742 or by e-mail at mtheisen@mt.gov.

Coal Bed Methane -- Mary Vandembosch at (406) 444-5367 or by e-mail at mvandembosch@mt.gov.

Water Policy -- Krista Lee Evans at (406) 444-3957 or by e-mail at kevans@mt.gov.

Agency Oversight and MEPA -- Larry Mitchell at (406) 444-1352 or lamitchell@mt.gov.

Energy Policy -- Todd Everts at (406) 444-3747 or teverts@mt.gov.

LEGISLATIVE COUNCIL

Council Takes Action...The Legislative Council met on June 24 in Helena and took the following action:

- authorized drafting of several bills proposed by the Office of Budget and Program Planning;
- approved additional funding for the Education and Local Government Interim Committee and the Revenue and Transportation Interim Committee for fiscal year 2003;
- reviewed cost estimates for several budget proposals for fiscal years 2004 and 2005;
- reviewed a draft of the Legislative Branch computer system plan for fiscal years 2004 and 2005;
- requested that the Code Commissioner bill and the 2003 feed bill be drafted as well as legislation to clarify whether standing committees may meet during the interim independent of a special session; and
- agreed to make available to the Transition Advisory Committee up to \$12,000 in general fund money to cover legislative salaries and expenses and staff expenses through Dec. 31, 2002.

The next Council meeting is tentatively scheduled for Sept. 20, in Helena. For more information, contact Lois Menzies by phone at (406) 444-3066 or by e-mail at lomenzies@mt.gov.

LEGISLATIVE FINANCE COMMITTEE

Fiscal Division Prepares for Special Session...The Legislative Fiscal Division (LFD) spent much of July preparing for the special session scheduled to begin on Aug.

5. Staff has been responding to legislator requests for information, reviewing the governor's proposals, and preparing a budget analysis for the Legislature, including a list of options for dealing with the revenue shortfall. The appropriation and taxation committees were scheduled to meet in late July to review revenue estimates and to hold hearings on bills that implement various "budget balancers". Documents prepared by the LFD for these and other session activities can be found on the LFD website at <http://leg.mt.gov/fiscal/index.htm>. For further information, contact Clayton Schenck at cschenck@mt.gov or at (406) 444-2986.

HJR 1 SUBCOMMITTEE ON PUBLIC MENTAL HEALTH ISSUES

August 6 and 7 Meeting Postponed...Because of the special session that begins Aug. 5, the HJR 1 Subcommittee will not meet Aug. 6 and 7 as previously scheduled. The meeting will be rescheduled although a date is not yet been selected. For further information, contact Lois Steinbeck as lsteinbeck@mt.gov or at (406) 444-5391.

JOINT SUBCOMMITTEE ON POSTSECONDARY EDUCATION POLICY AND BUDGET

Subcommittee Finalizes Its Recommendations...The PEPB met on July 9 to complete its work on public postsecondary education policy goals and accountability measures. The subcommittee adopted the following six policy goals and associated accountability measures to recommend to the Education and Local Government Committee (ELGC) and the 58th Legislature.

POLICY GOAL #1 Prepare students for success through quality education

- Retention rates
- Completion rates

POLICY GOAL #2 Promote access and affordability

- Affordability compared to other states (tuition & fees, state financial aid provided)
- State support as a percent of personal income and per capita income

POLICY GOAL #3 Deliver efficient, coordinated services

- Transferability among institutions
- Percent of expenditures in instruction, administration, athletics, etc.

POLICY GOAL #4 Be responsive to market and employment needs and opportunities

- Job placement rates by field or program
- Growth in FTE enrollment, certificates, and degrees conferred in 2-yr education

POLICY GOAL #5 Contribute to Montana's economic and social success

- Research & Development receipts and expenditures
- Technology transfers (licensing and commercialization)

POLICY GOAL #6 Collaborate with K-12 school system and other postsecondary education systems

- Average SAT or ACT scores of first time full time MUS freshmen
- Collaborative programs with K-12, Community Colleges, and Tribal Colleges and private colleges (when appropriate).

The subcommittee recommended that the Montana university system produce an annual "Accountability Report" on the accountability measures. The subcommittee also recommended that the following guidelines be used when developing the accountability measures:

- Statewide accountability measures should be reported on a system-wide basis.
- In the first Accountability Report, accountability measures should show 5-year trailing historical trends where data are available. If trailing historical data are not currently available, the data should be collected on a forward basis and included in future reports.
- For purposes of the "Accountability Report", peer states include North Dakota, South Dakota, Minnesota, Wyoming, Idaho, Washington, Oregon, Utah, and Colorado.

Subcommittee and the Board of Regents Adopt Agreement...The subcommittee endorsed a written agreement between the subcommittee and the Board of Regents that identifies the public postsecondary education policy goals and accountability measures and the timeframes for future reporting. The Board of Regents unanimously adopted the agreement at its July board meeting.

Proposal for New Postsecondary Education Committee Rejected by Education and Local Government Committee...The subcommittee recommended the creation of a new committee to conduct an ongoing review of the statewide public postsecondary education policy goals and accountability measures. At its July 10 meeting, the Education and Local Government Committee rejected that proposal and instead decided to recommend the creation of a permanent postsecondary education subcommittee of the ELG Committee.

Final Report Available in September...The final report containing the subcommittee's recommendations will be presented to the Education and Local Government Committee in September.

For more information, please contact Pam Joehler at (406) 444-5386 or send an e-mail to pjoehler@mt.gov. Meeting information is also posted on the subcommittee's website at <http://leg.mt.gov>. Just click on "Committees" and follow the links to the Education and Local Government Committee, Postsecondary Education Policy and

Budget Subcommittee.

ECONOMIC AFFAIRS COMMITTEE

Meeting Rescheduled...Due to the timing of the special session and a previously scheduled meeting of the Economic Affairs Committee (EAC), Sen. Dale Mahlum, EAC Chairman, has **rescheduled the Aug. 16 meeting of the EAC to Friday, Aug. 30**. The meeting will be in Helena, most likely in the Capitol. When developed, the agenda, including the meeting time and place, will be posted to the EAC website: http://leg.mt.gov/interim_committees/InterimCom2001_2002.htm. The agenda will include, among other things, EAC preview of legislative proposals from the Department of Commerce, the Governor's Office of Economic Opportunity, and the State Auditor and Insurance Commissioner.

SJR 22 SUBCOMMITTEE ON HEALTH CARE AND HEALTH INSURANCE

Subcommittee Looks at Tax Credit; Reschedules Meeting...The SJR 22 Subcommittee on Health Care and Health Insurance of the Economic Affairs Interim Committee (EAC) met on July 18 to continue examining and discussing the pros and cons of a tax credit for insurance premiums. Through its Tax Credit Working Group, the SJR 22 Subcommittee has focused on whether to establish a refundable, advanced tax credit for low-income individuals or "small businesses" or both.

For the purposes of the subcommittee's work, "low-income" has varied from as high as 200% of the federal poverty level (FPL), which is currently \$30,040 annually for a family of three, down to 100% (or less) of the FPL, which is \$15,020 for a family of three. The subcommittee has also looked at "small businesses" in three categories, i.e., fewer than 20 employees, fewer than 10 employees, and fewer than 5 employees.

Other factors subject to examination include: the type of insurance coverage (e.g., major medical, catastrophic, etc.); amount and cost of premiums; the level of the credit, in both percentage-of-premium and flat-dollar terms; "take-up" rates, and others. Subcommittee members, staff, and others wrestled with the difficulty of estimating the possible cost of the tax credit under discussion. The examination will continue when the subcommittee meets next at its **rescheduled meeting, Thursday, Aug. 29**.

For more information about the EAC or the SJR 22 Subcommittee, contact Dave Bohyer at 444-3064 or by e-mail at dbohyer@mt.gov.

STATE ADMINISTRATION AND VETERANS' AFFAIRS

HJR 8 Subcommittee on Voting Systems Finalizes Recommendations...The HJR 8 Subcommittee on Voting Systems met June 20 to finalize its recommendations to the State Administration and Veterans' Affairs Interim Committee (SAIC). The subcommittee's

recommendations were adopted by SAIC on June 21 and resulted in two bill draft requests:

- LC0219 -- to ban punch card voting systems after December 31, 2003; and
- LC0220 -- to generally revise and update statutes on voting system technologies, counting votes, and determining voter intent.

Recommendations of SJR 5 Subcommittee on Veterans' Affairs Adopted...The SAIC also approved the recommendations of the SJR 5 Subcommittee on Veterans' Affairs. The recommendations are contained in the following bill draft requests:

- LC0221 -- to restructure Montana veterans' affairs by renaming the Department of Military Affairs to the Department of Military and Veterans' Affairs, eliminating the Board of Veterans' Affairs hiring authority, making the board an advisory body to the department, providing rulemaking authority, and specifying duties and responsibilities of the department and the board with respect to veterans' affairs;
- LC0222 -- to eliminate the income criteria threshold for certain veterans or their surviving spouses regarding eligibility for the residential property tax waiver; clarifying and equalizing vehicle registration fee benefits for certain veterans; and clarifying and equalizing the eligibility of certain veterans or their surviving spouses to obtain special license plates; and
- LC0223 -- to update statutory language defining "veteran" and providing a list of qualifying military campaigns.

Public Employee Retirement Proposals...Individuals, employee and retiree groups, and the retirement board requested that SAIC request legislation that would amend certain provisions of the various public employee retirement plans. The SAIC requested the following committee bills:

- LC0224 -- to eliminate the 10-year service requirement before a PERS member may purchase military service;
- LC0225 -- to allow a PERS member who retires from one PERS-covered position but who is then elected to a PERS-covered part-time office to accept the position and serve in office without loss of retirement benefits;
- LC0226 -- to allow Montana Air National Guard firefighters at the Great Falls Airport to transfer to and purchase service in the Firefighters' Unified Retirement System;
- LC0227 -- to establish a professional retirement option plan for members of the Teachers' Retirement System; and
- LC (to be assigned) -- to cover county detention officers under the Sheriffs' Retirement System instead of the Public Employees' Retirement System.

Agency Legislative Proposals Requested...The SAIC also authorized the drafting of most of the legislation proposed by the following agencies:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

A complete list of agency legislative requests is available on-line at the following web address: [http://laws.leg.mt.gov/pls/laws03/LAW0200W\\$.startup](http://laws.leg.mt.gov/pls/laws03/LAW0200W$.startup)

Committee Meets in July...The SAIC met on July 26 to review committee bills, receive additional public comment, and listen to information briefings on the following topics:

- how employees of the Montana Veterans' Affairs Division are classified and paid;
- the reapportionment and redistricting process and public access to information about voters' party affiliation;
- a potential committee bill to regulate the transportation of nuclear material through Montana;
- legislative issues on homeland security; and
- official correspondence to and a potential meeting with Montana's congressional delegation regarding veterans' affairs.

Final Meeting Scheduled...The SAIC's final meeting, during which it will adopt its final report, has been scheduled for Sept. 16. For more information on the activities of the SAIC, please contact Sheri Heffelfinger at (406) 444-3596 or sheffelfinger@mt.gov.

DISTRICTING AND APPORTIONMENT COMMISSION

Western Region Meetings Scheduled...The commission has scheduled public hearings on legislative districts in the western region of the state and will hold the public hearings even if the Legislature is still in special session. The meeting schedule is:

August 12, 2002 Public Hearing

7 p.m.
Flathead County Commission Room
800 South Main
Kalispell

August 13, 2002, Public Hearing

1 p.m.
Salish Kootenai College
Michel Building
Pablo

August 13, 2002, Public Hearing

7 p.m.

County Commission Room

Missoula County Courthouse Room 201

200 West Broadway (2nd Floor Annex)

Missoula

In the last week of July, western region maps, descriptions, and staff analysis will be sent to county clerk and recorders, central committees, legislators, and legislative candidates in the region. The commission will accept written testimony on the proposals through Sept. 3, 2002, and will tentatively adopt a plan for this region on Sept. 16.

Regional Information Available on Commission Website...Regional maps of the proposals and adopted legislative districts for the north-central, northeast, southeast/central, south-central, and southwest regions are available through the "Redistricting" link on the legislative branch website. Maps for the western region should be on the website by Aug. 1.

Comments Solicited...Please send all written testimony and correspondence to the Districting and Apportionment Commission, PO Box 201706, Helena MT 59620. Comments will be copied and sent to each Commissioner and the originals retained for the Commission's file. Please check the Commission's website for more information at the "Redistricting" link on the legislative branch website at leg.mt.gov. For more information, contact Susan Byorth Fox, (406) 444-3064 or sfox@mt.gov.

CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

Committee to Hold Final Meeting in August...The committee's final meeting is scheduled for Aug. 23 at 8:30 a.m. in Room 137, state Capitol. The committee is looking at proposing legislation for the next session and has asked staff to provide information on the following issues:

- persons with developmental disabilities and Title 46, chapter 18 regarding criminal procedure and mental disease or defect;
- respite care: wage and hour and lifespan respite;
- SJR 22 Subcommittee proposals for a health care policy interim committee;
- TANF car program update.

The committee will also review DPHHS legislative proposals that have been approved under the executive planning process. The committee will decide on which proposals it will formally request, on behalf of the department, to be drafted for introduction in the next session. An update of the outcome of the special session will also be provided. An agenda will be posted to the legislative website by Aug. 13.

If you are interested in being placed on the interested persons list, please contact Susan Byorth Fox, Research Analyst, at the Legislative Services Division at (406) 444-3597 or at sfox@mt.gov.

TRANSITION ADVISORY COMMITTEE

Transition Advisory Committee to Meet in September...The Transition Advisory Committee will meet Thursday, Sept. 19, in Missoula. Matthew Brown, National Conference of State Legislatures, will present some policy options for committee consideration. When developed, the full agenda, including the meeting place and time will be included in the September issue of **THE INTERIM** and will be posted to the committee's website: <http://leg.mt.gov> (follow the links under 2001/2002 Interim). On Thursday evening (Sept. 16), the committee also plans on attending a joint presentation in Missoula by the Bonneville Power Administration and the Northwest Power Planning Council on post-2006 energy policy.

Transmission Subcommittee Reschedules Meeting, Again...Because of the special session, the Transmission Subcommittee has **rescheduled the Aug. 9 meeting to Friday, Sept. 13**. Details of the meeting, to be held at the state Capitol, will be included in the September issue of **THE INTERIM** and will be posted on the subcommittee's website.

For more information about the Transition Advisory Committee, contact Jeff Martin at (406) 444-3595 or send e-mail to jmartin@mt.gov. Todd Everts, committee staff attorney, may be reached at (406) 444-3747 or by e-mail at teverts@mt.gov.

AMERICA'S LEGISLATORS BACK TO SCHOOL WEEK September 16 - 20, 2002

America's Legislators Back to School week gives legislators in all 50 states the opportunity to meet personally with their young constituents and to answer questions, share ideas, listen to concerns, and impart a greater understanding of the legislative processes necessary for developing effective public policy. Sponsored by the National Conference of State Legislatures (NCSL), the program is slated for the third week of every September. It is designed to teach young people -- the nation's future voters and leaders -- what it's like to be a state legislator: the processes; the pressures; and the debate, negotiation and compromise that are the very fabric of representative democracy. This year the program will be held Sept. 16-20.

NCSL introduced the *America's Legislators Back to School* program 2 years ago to provide a contemporary approach for engaging American students in understanding the value of democracy. The goal of the program is to educate young citizens about the role of state lawmakers and the legislature in public policy development. It also results in focusing state legislators on civic education during the same week all across the country,

building personal links between schools and legislators and providing legislators an opportunity to observe what is going on in schools.

NCSL has prepared resource materials for *America's Legislators Back to School* including talking points about legislatures and the legislative process and suggestions for age-group appropriate activities with students. Follow-up materials produced for teachers to use in the classroom include a student booklet and video titled "Your Ideas Count."

In March 2002, the Legislative Council endorsed Montana's participation in the *America's Legislators Back to School*. The Council is encouraging all legislators to visit one or more classrooms during the week of September 16-20. For more information about this program, contact Lois Menzies, Executive Director, Legislative Services Division by phone at (406) 444-3066 or by e-mail at lomenzies@mt.gov.

DEAR MASON AND ROBERTS

Dear Mason and Roberts: Last session, one of the newly elected members of the Legislature asked me "How many drafts can I request before the session?", and I told her that my wife only lets me have 2 beers each night no matter how many drafts I request! But seriously folks, I could use a refresher on the rules about requesting bills. While you are at it, we legislators could probably use another round of reminders about the rules for introducing bills. Thanks for quenching my thirst for knowledge guys!

Sen. Norm "Hooch" Elbowbender

Dear Sen. Elbowbender: We are happy to serve you. We have spent many happy hours pouring over these questions, and we hope that the following answers will lift your spirits.

Q: Who is authorized to request that a bill be drafted?

A: A person entitled to serve in the 2003 legislative session may request that a bill or resolution be drafted. Before the November general election, the Legislative Services Division will accept bill draft requests from holdover senators and legislators who are running for office unopposed; these bill drafts will be processed as staff time permits. Following the general election, requests may be submitted by any member of the 2003 Legislature. In addition, legislative interim committees and other statutory committees and standing committees may submit requests for bills and resolutions.

Q: How many bill drafts may I request?

A: According to Joint Rule 40-40(1), you may request an unlimited number of bills before 5 p.m. on Dec. 5, 2002. On or after 5 p.m. on that day, you may request no more than seven bills; only two of these requests may be made after the session convenes at noon on Jan. 6, 2003. These limits, however, do not apply to Code Commissioner bills, bill requests from a standing committee, or bill requests made at the request of a newly elected official.

You may grant any unused requests to other members. Remember that once you submit a request, you may not transfer the request to another legislator; however, you may find another legislator to introduce the bill.

Q: What are the deadlines for requesting a bill?

A: The deadlines, which vary according to the type of bill, are as follows:

Deadlines for Submitting Bill Draft Requests (Joint Rule 40-50)

Note: Submission deadline is at 5 p.m. on the specified day

Type of Bill Draft Request	Last Legislative Day for Submitting Bill Draft Request
General bills and resolutions	10
Revenue bill	17
Committee bills and resolutions	36
Committee revenue bills	62
Committee bills implementing provisions of a general appropriation act	75
Interim study resolutions	75
Appropriation bills	No deadline
Resolutions expressing confirmation of appointments	No deadline
Bills repealing or directing amendment or adoption of administrative rules & joint resolutions advising or requesting repeal, amendment, or adoption of administrative rules	No deadline

Q: Is there a limit to the number of bills that I may introduce?

A: No.

Q: How do I introduce a bill?

A: To introduce a bill in the House, you must sign it and deliver it to the Chief Clerk of the House. In the Senate, the signed bill must be delivered to the Secretary of the Senate. To be chief sponsor, your name must appear first on the bill. If you have a

joint sponsor from the other house, the joint sponsor must sign his or her name immediately to the right of your name. (Joint Rule 40-40(4))

Q: I've noticed that even before the session kicks off, a pile of bills have already been introduced. How does that happen?

A: To give the Legislature a jump-start during the opening days of the session, the joint rules permit bills and resolutions to be preintroduced (i.e., introduced before the legislative session begins). The Senate President and House Speaker may then assign these preintroduced bills to committees, and the committee presiding officers may schedule hearings to be held shortly after the session convenes.

With a few exceptions, bills drafted at the request of an interim or statutory legislative committee (including executive branch proposals) must be preintroduced by 5 p.m. on Dec. 27, 2002. Other bills may be preintroduced by this deadline if the sponsor desires to do so.

Preintroduction requires that the bill's sponsor sign a preintroduction form, which must be returned to the Legislative Services Division. (The division may not accept proxy signatures or phone authorizations.) If you are running up against the preintroduction deadline, you may fax the signed form and then mail the original signed form to the Division. (Joint Rule 40-40(5) and (6))

Do you have rule questions that you would like us to cover in this column? If so, send them to Lois Menzies, Legislative Services Division, PO Box 201706, Helena, MT 59620-1706 or lomenzies@mt.gov.

REVENUE AND TRANSPORTATION COMMITTEE

Committee on Track to Finish Interim Work...The Revenue and Transportation Interim Committee (RTIC) is scheduled to meet and finish its interim work (save for the November review and adoption of revenue estimates for the 2003 Legislature) on Thursday and Friday, Sept. 5 and 6 in Room 137 of the Capitol.

Among other agenda items, RTIC will hear a final update of the Department of Revenue's POINTS project, specifically the status of POINTS, phase II. The committee will also review the final report, hear a roundup of successful special session tax and transportation proposals, and discuss the impacts of the session on the Departments of Revenue and Transportation.

Those on RTIC's interested persons list will receive more details about the agenda in late August. For more information about the committee or its activities, please contact Leanne Kurtz, RTIC staff, at lekurtz@mt.gov or by phone at 444-3593 or visit the committee's web site at http://leg.mt.gov/Interim_Committees/Revenue_Transportation/index.htm.

BACK PAGE

SUMMER MUSINGS ON LEGISLATIVE REDISTRICTING

By Susan Fox
Legislative Research Analyst

INTRODUCTION

As this summer brings the last chapters of redistricting based on the 2000 census closer, the unsettling world of redistricting has been brought before three-quarters of the state's population. By the end of the process, the alternatives found in my word processor's spell-checker may describe the continuum of feelings that districting leaves behind: "distracting" to "destructing". Incumbents, hopefuls, election administrators, citizens, and would-be litigators will all be affected, whether they know it yet or not.

The Montana Districting and Apportionment Commission has adopted 71 of 100 house districts and is preparing to complete the western region at public hearings to be held August 12-13 and with a September tentative adoption date. The new redistricting plan will not go into effect until it has been reviewed by the Legislature (who gets to look but not touch); it will become law in 2003 for the 2004 election. At this point in time, the proposed house districts are merely tentatively adopted and the senate districts won't be adopted until after the November general election. It will be some time before any legal challenges to the new redistricting plan may arise, and there remains an outside chance that the federal district court could still affect this fall's election based on the old 1990 plan.

For your summer reading pleasure, I have brought you some thoughts to muse upon. The term "arcane" is used often to describe redistricting, and for good reason. Only a few people are aware of it and fewer understand it, which is not surprising if one looks at the ingredients: state and federal constitutions, state and federal statutes, separation of powers, population enumeration, population change, shifts from rural to urban lifestyles, race relations, voting behavior, political parties, litigation, technology, history, and power, all at the hands of human beings. A recipe for politics at any level. But one must keep in mind that it is not politics just for its own sake.

REDISTRICTING ROOTED IN COUNTRY'S CONSTITUTIONAL HISTORY

This is actually heady stuff. The underlying concepts of redistricting were present with the Founding Fathers. Embedded in the Declaration of Independence, the U.S. Constitution, and the Bill of Rights are the precepts of redistricting. Redistricting is all about representation and of governance derived from the governed.

Although the Declaration of Independence (1776) proclaimed that all men are created equal, the history of the United States has been spent interpreting the words "men" and "equality". Founding Mothers, such as Abigail Adams, were eyeing, even then, their

opportunity for representation and waited nearly 150 years for their participation to be self-evident.

The more relevant provisions that have attempted to exemplify or promulgate these concepts are Article 1, section 2, of the U.S. Constitution (1787) providing for the composition of the House of Representatives based on population determined by actual enumeration; the Equal Protection Clause of the 14th Amendment (1868) to the U.S. Constitution (reiterated at Article 2, section 4, Montana Constitution); the 15th Amendment (1870) to the U.S. Constitution, which provides that the rights of citizens to vote shall not be denied on account of race, color, or previous conditions of servitude; the 17th Amendment (1913) to the U.S. Constitution, which provides for the direct election of U.S. Senators by the people; the 19th Amendment (1920) to the U.S. Constitution, which provides that the right to vote shall not be denied or abridged by the U.S. or by any state on account of sex.

Abraham Lincoln in his Gettysburg Address (1863) reiterated the ideas of democracy and equality, and the continual struggle for fulfillment culminated over 100 years later in the Voting Rights Act of 1965 and its subsequent amendments. Minority voting rights were finally expressed specifically by Congress and presented a new opportunity for reluctant courts to enter the fray. The 24th Amendment to the U.S. Constitution (1964), which provided that the right to vote for the President or members of Congress could not be denied by reason of failure to pay any poll tax or other tax, was also a reflection of the reawakening of civil rights and the systematic removal of its impediments. U.S. citizens who are of different races, ethnicities, or languages waited for their equality to be enforced and many are still appealing interpretations of state and federal law in order to have the their voting rights upheld by the courts.

The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing -- one person, one vote (372 U.S. 368 at 381 (1963)).

All of this heady stuff boils down to "one person, one vote". The current redistricting landscape was jump-started by two related yet separate phenomena. As noted above, the civil rights movement was a major force in bringing Congress and the judiciary to the table to formulate redistricting law that is still in its toddlerhood of interpretation. Another major influence that brought the "one person, one vote" principle to the fore was the shift from rural living to urban living. From the time of World War I to the 1960s, legislatures became more and more complacent in tending to redistricting principles and responsibilities to the point that: "By 1960, every legislative body in every single state had

at least a 2-1 population disparity between the most and the least heavily populated districts."¹

MONTANA AND REDISTRICTING

Montana's situation was exacerbated by the fact that it had adopted a "little federal system" in which the Senate was composed of a senator from each county. It was a high incentive to subdivide a county in order to increase your representation in the Legislature. Montana had 16 counties and therefore 16 senate districts in 1911, and by 1921 there were 54 counties. Not only was each county guaranteed a senator, but also at least one representative, regardless of population, with the remainder apportioned by population. By 1930, 8 counties would not have had sufficient population to have a representative but for this model, and by 1961, the count was up to 19 counties.² Based on the 2000 census, there are 30 counties that do not have sufficient population to compose a house district.

Although the dramatic rural population loss is a daunting trend that is unlikely to be reversed, the shift to a truly population-apportioned legislature has bought us to the "one person, one vote" standard. It is understandable that the rural folk in Montana still look to those pre-1972 days and wish it were so, because in a majority-rule system, declining population only means declining power.

Counties were considered more sacred before 1972. In order to not split counties, multimember districts were used so that county lines would not have to be broken. That has also gone by the wayside. The principle of "one person, one vote" is a difficult one when expressed in a state that covers 147,046 square miles.

"One person, one vote" has different levels of mathematical precision at the federal and state levels. Montana has two U.S. Senators representing approximately 451,000 persons each, an excellent ratio compared to high-population states and sixth behind other low-population states. Our sole U.S. Representative, on the other hand, represents the most persons in the country at 905,316 persons, compared to the next highest state of South Dakota at 756,874 persons. Each member of the U.S. House of Representatives represents an average population of 646,952.

In our state Senate, we are third, trailing only our neighbors of North Dakota and Wyoming, respectively, in the number of constituents per district. We have only 18,044 persons per district, which compares to a whopping 846,791 persons per senate district in California (greater than Montana's 1990 population). In the House of Representatives,

¹"Dudis, John. "Apportionment: Past to Future", *Montana Law Review*, Vol. 33, No. 1 (Winter 1972) p. 106. In this article the quotation is footnoted from "Congress and the Nation, 1945-1964, Congressional Quarterly Service, 1525-1526 (1965)."

²Waldron, Ellis. "100 Years of Reapportionment in Montana", *Montana Law Review*, Vol. 28, No. 1 (Fall, 1966) p. 3.

we are also well-represented statewide at 9,022 persons per district, with only the states of Maine, Wyoming, North Dakota, Vermont, and New Hampshire with fewer constituents per house district (California, the highest, is at 423,396 constituents per house district).³

The population to be represented will be more accurately apportioned following this round of redistricting as Montana is a "johnny-come-lately" state in the process of bringing a new plan into law. The commission form of redistricting was created by the adoption of our new Constitution in 1972.⁴ It was contemplated that it be conducted within the environment of annual sessions. The public promptly disabused the Legislature of the notion of meeting annually⁵ (special sessions aside) and therefore created a 1-year lag in the adoption of a new redistricting plan, which manifests itself in a 2-year election lag. Montana is one of 12 states that uses a commission, but Montana's has the ultimate authority and does not allow public officials to sit on the commission as is the case in only four other states.⁶ Some states include gubernatorial appointees.

REDISTRICTING AND LITIGATION

Arizona was the latest state to move to a commission form of redistricting. Other states, still in the blush of the redistricting, are looking for a better way and a commission is often viewed as a more fair or less partisan method by some. If litigation is an indicator, commissions are not immune from criticism. Success is at about 75% for both legislatures and commissions drawing plans since 2000.⁷

Because of the legal underpinnings of redistricting, the only recourse is the courts if a person believes that his or her rights have been violated. According to the National Conference of State Legislatures (NCSL), 32 states to date have had legal cases related to redistricting filed for many different reasons following the 2000 census. Commission states so far have not fared any better than other states; all types have had cases filed at a rate of about 60% of the states.⁸

³ This information was gathered from the NCSL website and is extracted from the following tables, "Constituents per State Legislative District", "Redistricting 2000 Population Deviation Table", "Action on Redistricting Plans: 2001-02". The table "Apportionment Population and Number of Representatives, by State: Census 2000", U.S. Census Bureau, was also referenced.

⁴ Article V, section 14 (1972 Montana Constitution).

⁵ Constitutional Initiative No. 1 (eff. December 31, 1974) (Appendix, L 1975).

⁶ NCSL, Redistricting Law 2000, February 1999.

⁷ NCSL website, "Action on Redistricting Plans: 2001-2002," July 2002.

⁸ NCSL website, "Redistricting Cases: the 2000s."

Many states already have adopted plans and proceeded to a new round of litigation on the 2000 redistricting plans, while Montana prepares to present oral arguments in its defense to the appeal of the federal district court findings on remand in its unresolved voting rights lawsuit regarding the 1990 redistricting plan.

NCSL reports that less than half of the states (24) have completed plans that have not been challenged (to date). There are only two states, one of them Montana, that are still working on their plans. The remainder of the states have their plans either being drawn by the courts or by an entity other than the one given the original charge, have challenges pending, or have their plans rejected, being corrected, or awaiting a decision.⁹ Some view a commission method as the abrogation of the Legislature's prerogative in redistricting, but even in states where the Legislature begins the process, often the courts or the executive will have a say.

REDISTRICTING AND REPRESENTATION

As Montana heads into a special session that is all about revenue and expenditures, who is being represented and who is not, who is in power and who is not, this heady stuff becomes very real and the impacts of taxation and representation are presented to us. The concept of "one person, one vote" has a distinctly edgier quality to it. Those who vote¹⁰ send people to represent all of our collective interests in the Legislature and to the executive and the judicial branches, as well, and suddenly all of this history is before us, made manifest in the representation sent by the people for the people.

Our Constitution is unique in many ways, the commission method of redistricting being only one, but also in that it has provided a public process. The Montana Constitution provides us with a right to participate in the process (Article II, section 8) and right to know (Article II, section 9). The redistricting has been conducted in a process involving 11 public hearings to date, with at least 5 more public hearings prior to the legislative hearings. The Legislative Services Division has attempted to provide access to the process, to reach out to educate and inform the Montana public about this arcane process, and to invite participation. As with the Legislature, it is the commission's duty and responsibility to make the final decisions, but the process is the mechanism for the public to influence and witness the outcome and finally, through voting, to participate in the principle of "one person, one vote".

⁹ NCSL website, "Action on Redistricting Plans: 2001-2002," July 2002.

¹⁰ 29% of registered voters voted in the 2002 primary (Montana Secretary of State website, July 2002). Registered voters represented 2/3 of total population.



INTERIM CALENDAR

UNLESS OTHERWISE SPECIFIED,
ALL ROOM DESIGNATIONS ARE IN THE CAPITOL BLDG.

AUGUST

[Postponed] August 6-7, HJR 1 Subcommittee on Public Mental Health Services, to be rescheduled

[Postponed] August 9, TAC Transmission Subcommittee, rescheduled in September

August 23, Children, Families, Health, and Human Services, Room 137, 8:30a.m.

August 29, SJR 22 Subcommittee on Health Care and Health Insurance

August 30, Economic Affairs Committee [rescheduled from Aug. 15]

SEPTEMBER

September 2, Labor Day

September 5-6, Revenue and Transportation Committee

September 11, Education and Local Government Committee

September 12, Environmental Quality Council subcommittees

September 13, Environmental Quality Council

September 16, State Administration and Veterans' Affairs Committee

September 13, TAC Transmission Subcommittee [rescheduled from August 9]

September 16, State Administration and Veterans' Affairs Committee

September 19, Transition Advisory Committee, Missoula

September 20, Legislative Council